

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Ellen Michelle Nowlin, a/ka/ Ellen
Michelle Wheeler,

Plaintiff,

v.

Case No. 15-13309

Fannie Mae a/k/a Federal National
Mortgage Association, et al.,

Honorable Sean F. Cox

Defendants.

ORDER ADOPTING
3/21/16 REPORT AND RECOMMENDATION

Acting through counsel, Plaintiff Ellen Michelle Nowlin a/k/a Ellen Michelle Wheeler (“Plaintiff”) filed this action in state court. Defendants removed the action to federal court.

On September 28, 2015, Defendants filed a Motion to Dismiss, that was referred to a magistrate judge for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

On March 21, 2016, Magistrate Judge Elizabeth Stafford issued a Report and Recommendation (“R&R”) wherein she recommends that Defendants’ Motion to Dismiss be granted and that this Court dismiss this action with prejudice. (Docket Entry No. 13). That R&R also expressly notified the parties:

NOTICE TO THE PARTIES REGARDING OBJECTIONS

Either party to this action may object to and seek review of this Report and Recommendation, but must act within fourteen days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of HHS*, 932

F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Filing objections which raise some issues but fail to raise others with specificity will not preserve all objections that party might have to this Report and Recommendation. *Willis v. Secretary of HHS*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). A copy of any objection must be served upon this Magistrate Judge. E.D. Mich. LR 72.1(d)(2).

Each **objection must be labeled** as “Objection #1,” “Objection #2,” etc., and **must specify** precisely the provision of this Report and Recommendation to which it pertains. Not later than fourteen days after service of objections, **the non-objecting party must file a response** to the objections, specifically addressing each issue raised in the objections in the same order and labeled as “Response to Objection #1,” “Response to Objection #2,” etc. The response must be **concise and proportionate in length and complexity to the objections**, but there is otherwise no page limitation.

(R&R at 10-11) (bolding in original).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must filed objections to the R&R within fourteen (14) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” *Id.*

The time for filing objections to the R&R in this action has expired.

The Court notes that on April 4, 2016, Plaintiff’s Counsel filed a document titled “Plaintiff’s Objection To The Report And Recommendation And Request To Seek Review Of Report And Recommendation.” (Docket Entry No. 14). Despite the title of the submission, the submission itself does not contain any objections to the R&R. Rather, it appears that Plaintiff’s Counsel simply took his brief in response to Defendants’ Motion to Dismiss, changed the title and opening paragraph, and then submitted that as Plaintiff’s “objection” to the R&R. Thus, the submission does not contain any actual objections to the R&R.

Moreover, the Court having reviewed the R&R agrees with its analysis and conclusions.

As such, the Court hereby ADOPTS the March 21, 2016 R&R.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss is GRANTED and this action is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: April 11, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 11, 2016, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager